



Ken Thompson
District Attorney

DISTRICT ATTORNEY
KINGS COUNTY
350 JAY STREET
BROOKLYN, NY 11201-2908
(718) 250-2000
WWW.BROOKLYNDA.ORG

Press Office
718-250-2300

FOR IMMEDIATE RELEASE

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**Brooklyn Restaurant Owner Indicted for Scheme to Defraud;
Allegedly Failed to Pay Edna's Soul Food Employees More Than \$8,000**
Defendants Face Up To Four Years In Prison If Convicted

Brooklyn District Attorney Ken Thompson today announced that two men who owned Edna's Soul Food Restaurant in Brownsville have been indicted for failing to pay more than 10 employees including cashiers, fry cooks, servers, cleaners, delivery drivers and an assistant manager more than \$8,000 in back wages.

District Attorney Thompson said, "These workers got stiffed and deserve to get paid all of the money owed to them. We will now fight on their behalf."

The District Attorney said that the defendants, Earl Davis, 26, of 980 Bedford Avenue, in Bedford-Stuyvesant and Patrick Tassy, 34, of 10528 Avenue M in Gravesend and the multiple companies they used to operate the business, Edna's 1735 Pitkin Avenue, LLC D/B/A Edna's Soul Food, ESF 2258 Atlantic Avenue, LLC D/B/A Edna's Soul Food, and Edna's Restaurant Group, Inc. D/B/A Edna's Soul Food A/K/A Lang Rock Equity Partners, have been variously charged in an indictment; Davis and the companies are charged with two counts of first-degree scheme to defraud. Davis, Tassy and the companies are charged with one count of a violation of Workers Compensation Law 52(1)(a) for failure to secure the payment of compensation for five or more employees within a twelve month period, two counts of violation of Labor Law 198-a, for failing to pay all employees in accordance with the Labor Law and three counts of willful failure to pay a contribution to the Unemployment Insurance Fund in violation of the Labor Law. Davis is additionally charged with one count of retaliation, in violation of Labor Law 215.

Davis was arraigned last Friday before Brooklyn Supreme Court Justice Danny Chun and ordered held on \$100,000 bail and to return to court on February 11, 2015. Tassy, who was previously arraigned, was released without bail. His next court date is January 28, 2015. The defendants face up to four years in prison if convicted.

The District Attorney said that, according to the indictment, from October 2013 to July 2014, Davis and Tassy employed at least 10 people to work at Edna's Soul Food, a take-out and delivery restaurant located at 2258 Atlantic Avenue in Brownsville, Brooklyn, using the corporate identities Edna's 1735 Pitkin Avenue LLC d/b/a Edna's Soul Food, ESF 2258 Atlantic

Avenue , LLC d/b/a Edna's Soul Food, and Edna's Restaurant Group , Inc. d/b/a Edna's Soul Food a/k/a Lang Rock Equity Partners.

Davis served as the restaurant's president and ran the day-to-day operations, and Tassy was the vice president.

The District Attorney said that, according to the investigation, Davis promised to pay the workers \$8 to \$10 an hour to work as cashiers, fry cooks, servers, cleaners, delivery drivers, and as an assistant manager. When the defendants did pay the workers the defendants paid them in cash without pay stubs, gave the workers checks that bounced, confiscated the workers' tips, refused to pay overtime, and ultimately failed to pay the workers all the wages owed to them for up to two months of work.

The District Attorney said that, according to the investigation, Davis allegedly told the workers he planned to open additional restaurants and that, if they continued to work for him, he would reward them with promotions and raises, as well as pay them back wages.

The District Attorney further stated that, according to the investigation, Davis was verbally abusive towards the workers and regularly argued with, yelled at, physically attacked, and fired workers who asked for their wages. Although the defendants refused to pay the workers all the wages owed to them, the workers allegedly saw defendant Davis take cash from the register on almost a daily basis. Finally, according to the indictment, the defendants failed to make contributions to the New York State Unemployment Insurance Fund and never obtained Workers' Compensation Insurance.

This investigation was initiated by a call to the District Attorney's Labor Frauds Unit Helpline. If you believe you have been a victim of Labor Fraud, such as wage theft or retaliation, please call our Labor Frauds Unit at 718-250-3770.

The case was investigated by Detective Investigator Kevin McAleese of the Brooklyn District Attorney's Office, under the supervision of Supervising Detective Investigator Robert Addonizio and John Bilich, Chief of the District Attorney's Investigations Bureau.

The case is being prosecuted by Assistant District Attorneys Joel Greenwald and Meredith McGowan, Deputy Chief of the District Attorney's Labor Frauds Unit, under the supervision of Felice Sontupe, Chief of the District Attorney's Frauds Bureau, and Executive Assistant District Attorney William E. Schaeffer, Chief of the District Attorney's Investigations Division.

An indictment is an accusatory instrument and not proof of a defendant's guilt.

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